

## **Laws Governing the Establishment of Public Libraries in Virginia**

**§42.1-33. Power of local government to establish and support libraries.** - The governing body of any city, county or town shall have the power to establish a free public library for the use and benefit of its residents. The governing body shall provide sufficient support for the operation of the library by levying a tax therefor, either by special levy or as a fund of the general levy of the city, county or town. The word "support" as used in this chapter shall include but is not limited to, purchase of land for library buildings, purchase or erection of buildings for library purposes, purchase of library books, materials and equipment, compensation of library personnel, and all maintenance expenses for library property and equipment. Funds appropriated or contributed for public library purposes shall constitute a separate fund and shall not be used for any but public library purposes.

**§42.1-34. Power of local governments to contract for library service.** - Any city, town or county shall have the power to enter into contracts with adjacent cities, counties, towns, or state-supported institutions of higher learning to receive or to provide library service on such terms and conditions as shall be mutually acceptable, or they may contract for a library service with a library not owned by a public corporation but maintained for free public use. The board of trustees of a free public library may enter into contracts with county, city or town school boards and boards of school trustees to provide library service for schools. Any city or county governing body contracting for library service shall, as a part of such contract, have the power to appoint at least one member to the board of trustees or other governing body of the library contracting to provide such service. Any city or county thus contracting for library service shall be entitled to the rights and benefits of regional free library systems established in accordance with the provisions of 42.1-37. The board of trustees or other governing body of any library established under the provisions of 42.1-33 may also, with the approval of and on terms satisfactory to the State Library Board, extend its services to persons in adjacent areas of other states.

**§42.1-35. Library boards generally.** - The management and control of a free public library system shall be vested in a board of not less than five members or trustees. They shall be appointed by the governing body, chosen from the citizens at large with reference to their fitness for such office. However, one board member or trustee may be a member or an employee of the local governing body. Initially members may be appointed as follows: one member for a term of one year, one member for a term of two years, one member for a term of three years, and the remaining members for terms of four years; thereafter all members shall be appointed for terms of four years. The governing body of any county or city entitled to representation on a library board of a library system of another jurisdiction pursuant to 42.1-34 shall appoint a member to serve for a term of four years, or until the contract is terminated, whichever is shorter. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A member shall not receive a salary or other compensation for services as a member but necessary expenses actually incurred shall be paid from the library fund. However, the governing body of Fairfax County may pay members of its library board such compensation as it may deem proper. A member of a library board may be removed for misconduct or neglect of duty by the governing body making the appointment. The members

shall adopt such bylaws, rules and regulations for their own guidance and for the government of the free public library system as may be expedient. They shall have control of the expenditures of all moneys credited to the library fund. The board shall have the right to accept donations and bequests of money, personal property, or real estate for the establishment and maintenance of such free public library systems or endowments for same.

**§42.1-36. Boards not mandatory.** - The formation and creation of boards shall in nowise be considered or construed in any manner as mandatory upon any city or town with a manager, or upon any county with a county manager, county executive, urban county manager or urban county executive form of government or Chesterfield County, by virtue of this chapter.

**§42.1-37. Establishment of regional library system.** - Two or more political subdivisions (counties or cities), by action of their governing bodies, may join in establishing and maintaining a regional free library system under the terms of a contract between such political subdivisions; provided, that in the case of established county or city free library systems, the library boards shall agree to such action.

**§42.1-38. Agreements to create regional boards.** - Two or more political subdivisions (counties or cities) which have qualified for participation in the state's regional library program, have been recognized as a region by the State Library Board, and have made the minimum local appropriation of funds as may now or hereafter be recommended by the Board, are hereby empowered and authorized to execute contracts with each other to create a regional library board to administer and control the regional library services within the region. Each jurisdiction shall, as a part of such contract, have the power to appoint at least one member to the regional library board.

**§42.1-39. Regional library boards generally.** - The members of the Board of a regional library system shall be appointed by the respective governing bodies represented. If the board of the regional library system is composed of two or more members from each county, city and town that is a part thereof, then each governing body represented on the board may appoint a member or an employee of the governing body to the board. Such members shall in the beginning draw lots for expiration of terms, to provide for staggered terms of office, and thereafter the appointment shall be for a term of four years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members are regularly chosen. No appointive member shall be eligible to serve more than two successive terms. A member shall not receive a salary or other compensation for services as member, but necessary expenses actually incurred shall be paid from the library fund. A regional board member may be removed for misconduct or neglect of duty by the governing body making the appointment. The board members shall elect officers and adopt such bylaws, rules and regulations for their own guidance and for the government of the regional free library system as may be expedient. They shall have control of the expenditure of all moneys credited to the regional free library fund. The regional board shall have the right to accept donations and bequests of money, personal property, or real estate for the establishment and maintenance of such regional free library system or endowments for same.

**§42.1-40. Powers of regional library board.** - The regional library board shall have authority to execute contracts with the State Library Board, with the library boards of the respective jurisdictions, and any and all other agencies for the purpose of administering a public library service within the region, including contracts concerning allocation and expenditure of funds, to

the same extent as the library board of any one of the jurisdictions which are parties to the agreement would be so authorized. In addition, to effectuate the purposes of this chapter, a regional library board is empowered to sell the surplus assets, including real estate, of the said regional library board if the net proceeds therefrom are used for public library services within the region.

**§42.1-41. Funds and expenses of regional library system.** - The expenses of the regional library system shall be apportioned among the participating political subdivisions on such basis as shall be agreed upon in the contract. The treasurer of the regional library board shall have the custody of the funds of the regional free library system; and the treasurers or other financial officers of the participating jurisdictions shall transfer quarterly to him all moneys collected or appropriated for this purpose in their respective jurisdictions. Such funds shall be expended only for the library service for which the county or city contracted and for no other purpose. The regional library board shall furnish a detailed report of receipts and disbursements of all funds at the regular meeting of the governing body of every participating jurisdiction after the close of the state's fiscal year. It shall make a similar report to the Library of Virginia. The treasurer of the board shall be bonded for an amount to be determined by the board. The board may authorize the treasurer to pay bond premiums from state aid library funds.

**§42.1-42. Withdrawal from regional library system.** - No county or city participating in a regional library system shall withdraw therefrom without two years' notice to the other participating counties and cities without the consent of such other participating political subdivisions.

**§42.1-43. Appropriation for free library or library service conducted by company, society or organization.** - The governing body of any county, city or town in which no free public library system as provided in this chapter shall have been established, may, in its discretion, appropriate such sums of money as to it seems proper for the support and maintenance of any free library or library service operated and conducted in such county, city or town by a company, society or association organized under the provisions of 13.1-801 through 13.1-980.

**§42.1-44. Cooperative library system for Henrico and Chesterfield Counties and City of Richmond.** - Notwithstanding the repeal of Title 42 of the Code of Virginia, 42-12.1 to 42-12.5 of Chapter 2.1 of former Title 42 are continued in effect and are incorporated into this title by reference.

**§42.1-45. Transfer of properties, etc. of public free library to governing body of city in which it is situated.** - The board of directors or trustees of any public free library established pursuant to Chapter 13, Acts of Assembly, 1924, approved February 13, 1924, may lease, convey, or transfer any interest to its properties, real or personal, to the governing body of the political subdivision in which such library be situated in order that such library may become a part of the public library system of such city, subject to such restrictions and conditions as may be agreed to by such board of directors or trustees and such governing body.

Water and Sanitation Authority," the address of whose principal office is to be Warrenton, Virginia, and which shall be a public body politic and corporate for the purpose of acquiring, constructing, reconstructing, improving, extending, operating and maintaining a sewer system or systems, a sewage disposal system or systems, or any combination of such systems within Fauquier County with full authority and full powers as provided in the Code of Virginia.

## **ARTICLE VIII. LIBRARY BOARD**

### **2-21. Appointment; number of members.**

The library board of trustees shall consist of not less than five (5) members chosen by the board of supervisors with reference to their fitness for such office. Each respective member of the board of supervisors shall appoint one (1) respective member to the library board. In addition, the board of supervisors as a whole may appoint any other members to serve at large as deemed appropriate. One (1) trustee may be a member or an employee of the board of supervisors.

### **Sec. 2-22. Term of office; vacancies; compensation.**

A member shall not receive a salary or other compensation for services as a member, but necessary expenses actually incurred shall be paid from library funds. All trustees shall be appointed for terms of four (4) years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A member of the library board may be removed for misconduct or neglect of duty by the governing body making the appointment.

### **Sec. 2-23. Powers and duties.**

The management and control of the public library system shall be vested in the library board of trustees. The trustees shall adopt such bylaws, rules and regulations for their own guidance and for the government of the free public library system as may be expedient. They shall have control of the expenditures of all monies appropriated for library purposes. The board shall have the right to accept donations and bequests of money, personal property or real estate for the establishment and maintenance of the library system, or endowments for same.

### **2-24. Library trust fund.**

The library board may accept any grant or devise of real estate or any gift or bequest of money or other personal property or donation to the applied principal or income for either temporary or permanent use for library purposes. Such contributions shall be maintained separately as the library trust fund, separate from the general fund of the county.

**Sec. 2-25. Budget and fees.**

Annually, the library board shall submit a budget request to the board of supervisors for operation and maintenance of the library facilities of the county for their approval. The library board may charge user fees to cover or offset the costs of various services.

**Sec. 2-26. Annual report.**

The library board shall make an annual report to the board of supervisors regarding its accomplishments, needs and recommendations for the county. The board shall also submit such other reports as from time to time may be requested.

**Sec. 2-27. Injuring or destroying books and other property.**

Any person who willfully, maliciously or wantonly writes upon, injures, defaces, tears, cuts, mutilates or destroys any book or other library property belonging to or in the custody of the public library, shall be guilty of a Class 1 misdemeanor.

**Sec. 2-28. Concealment of book or other property while on premises of library; removal of book or other property from library.**

Whoever, without authority, with the intention of converting to his own or another's use, willfully conceals a book or other library property, while still on the premises of the public library, or willfully or without authority removes any book or other property from the public library shall be deemed guilty of larceny thereof, and upon conviction thereof shall be punished as provided by law. Proof of the willful concealment of such book or other library property while still on the premises of the public library shall be prima facie evidence of intent to commit larceny thereof.

**Sec. 2-29. Failure to return book or other library property.**

Any person having in his possession any book or other property of the public library, which he shall fail to return within thirty (30) days after receiving notice in writing from the custodian, shall be guilty of a misdemeanor and punished according to law; provided, however, that if such book should be lost or destroyed, such persons may, within thirty (30) days after being so notified, pay to the custodian the value of such book, the value to be determined by the library board of trustees.

**Sec. 2-30. "Book or other library property" defined.**

The terms "book or other library property" as used in this chapter shall include any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts, or other documentary, written, or printed material, regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of the Fauquier County Public Library.

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